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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission

Office of the Secretary

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Common Carrier Bureau
Numbered Service Division
Office of the Chief

Massachusetts Department of Telecommunications)
and Energy's Petition for Waiver of Section 52.19)
to Implement Various Area Code Conservation)
Methods in the 508, 617, 781, and 978 Area Codes)

NSD File No. L-99-19

CC DOCKET 96-98

COMMENTS OF
RCN TELECOM SERVICES, INC.

RCN Telecom Services, Inc. ("RCN"), by undersigned counsel and pursuant to the Common Carrier Bureau's March 5, 1999 Public Notice,¹ hereby submits its Comments in the above-captioned proceeding. First, RCN commends the Massachusetts Department of Telecommunications and Energy (the "Department") for recognizing the problems associated with number shortage and taking the initiative to begin to resolve those problems. This is especially important considering the current NXX shortage in Massachusetts, as a result of which the Department is contemplating creating four new area codes after it just created two in the last several years. RCN believes that several of the measures the Department proposes could be useful in ensuring a more efficient use of numbering resources and therefore, avoiding unnecessary NXX code exhaust situations.

However, RCN urges the Commission to be cautious in considering the Department's requests relating to number conservation methods that are currently being considered by the Commission. Several of the conservation measures the Department requests authority to implement, such as number pooling and unassigned number porting, are in the process of being considered by

¹ *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Request for Additional Authority to Implement Various Number Conservation Methods in the 508, 617, 781, and 978 Area Codes*, NSD File No. L-99-19, DA 99-461, Public Notice (rel. Mar. 5, 1999).

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the Commission. The Commission should be hesitant to grant a state commission the authority to implement these measures until the Commission has adopted uniform federal guidelines. It is important that number conservation methods be consistent throughout the country.

Moreover, the Department also seeks authority to reclaim unused and reserved exchange codes. While RCN agrees that the Department should have the authority to reclaim many of these unused and reserved codes, the Commission should be careful to narrowly tailor any authority that could permit the Department to reclaim codes that a CLEC may need to compete. The Department should not be given an inordinate amount of authority over a CLEC's business plans by allowing the Department to determine whether the CLEC actually needs the numbers it has obtained. Haphazard reclamation of numbers could seriously undermine competition by robbing CLECs of an essential tool for their business. Accordingly, the Commission should refrain from granting the Department more than limited authority to reclaim numbers from CLECs

I. Although Some of the Department's Proposals Would Likely be Effective in Addressing Area Code Exhaust and Should be Granted, the Commission Should Ensure that Authority Delegated to the Department is Narrowly Tailored to Preserve CLEC Access to Numbering Resources

Because of the current NXX shortage in Massachusetts, in which the Department is faced with the possibility of creating four new area codes within just two years of creating two new area codes, the Department has requested authority to implement a number of proposals to use numbering resources more efficiently. Specifically, the Department requests the authority to reclaim unused and reserved exchange codes, to maintain code rationing, and to implement inconsistent rate centers, in addition to other proposals. With regard to the Department's proposals to permit code reclamation, RCN urges the Commission to be cautious in delegating authority. While RCN

generally agrees with the Department that carriers should not be permitted to "hoard" numbers that they will not need in the foreseeable future, it is important for the Commission to recognize that access to numbers is essential to the business plan of any new entrant. To be able to attract new customers, CLECs must be able to offer numbering resources. Accordingly, the Commission should be careful to refrain from granting the Department too much authority to make business decisions for CLECs. However, in general, RCN supports many of the Department's proposals and urges the Commission to delegate authority to the Department to implement locally-based conservation methods.

A. Reclaim Unused and Reserved Exchange Codes

The Department requests authority to require reclamation of unused exchange codes and reserved exchange codes. The Department notes that a survey it conducted indicates that carriers are holding more than 5200 unused thousands blocks in the four Massachusetts area codes.² Moreover, the Department explains that a meaningful percentage of exchange codes are set aside for Bell Atlantic testing and other purposes. The Department has requested authority to investigate whether any of these codes can be reclaimed.³

RCN agrees that reclaiming unneeded codes from carriers is a reasonable and technically feasible method of utilizing numbering resources, and the Department should be granted limited authority to reclaim unutilized codes. However, RCN urges the Commission to be cautious in the authority it grants to a state commission to reclaim codes. In order for CLECs to be able to

² Department Petition, at 6.

³ Department Petition, at 7.

vigorously compete in the marketplace, they must not be forced to return NXX codes prematurely if their business plans would require those codes in the foreseeable future. For example, a CLEC may place orders for NXX codes months in advance of entering a rate center in order to ensure that it will have sufficient numbers once it begins offering services to customers. The Commission must ensure that if the Department is given authority to reclaim NXX codes, the authority must be narrowly tailored to ensure that the Department is not able to interfere with a CLECs' business plan. For example, RCN urges the Commission to only permit the Department to take action to reclaim an unused NXX code if the carrier has held the code for a least one year.

The Department's proposal to reclaim NXX codes that have been reserved by Bell Atlantic also appears to be a reasonable means of conserving numbering resources. Although Bell Atlantic, like all carriers, needs some codes for testing and other purposes, to the extent that Bell Atlantic has reserved an excessive number of codes for those purposes, reclamation would be an appropriate measure to ensure efficient number utilization in Massachusetts. Accordingly, the Department should be granted the ability to investigate whether any of the reserved exchange codes can be reclaimed.

B. Expanded Authority Over NXX Rationing

RCN supports the Department's request for additional delegated authority with regard to NXX rationing.⁴ Unlike some of the other conservation methods discussed below, such as number pooling and unassigned number porting, NXX rationing determinations are primarily local decisions made in conjunction with NPA relief. Indeed, the Department and other state commissions are likely

⁴ See Department Petition, at 7-8.

in the best position to determine precisely when rationing would be needed and its potential effect on competition in the local exchange market. Specifically, the Department seeks authority to maintain the current central office code rationing measures until six months after implementation of area code relief.⁵ RCN does not believe that a six month extension of rationing should cause undue harm to any carrier. However, at this time RCN does not believe a longer extension is necessary and would oppose any suggestion to extend the rationing procedures longer than six months.

The Department also requests authority to revise industry rationing procedures, if necessary, to prolong the life of existing area codes.⁶ Because the Department is in the best position to evaluate the effectiveness of rationing procedures, the Commission should grant the Department the ability to revise those procedures as it deems appropriate. However, as a precautionary measure, the Commission should permit a carrier to seek expedited relief from the Commission to either stay or vacate the proposed revisions if a carrier believes that the revised rationing procedures are either unjust or unreasonable.

RCN also supports the Department's request for additional authority to hear and address claims of carriers seeking additional exchange codes.⁷ This would ensure that carriers would not be completely limited by rationing procedures if they could demonstrate some unusual or immediate need for codes.

⁵ *Id.*

⁶ Department Petition, at 8.

⁷ See Department Petition, at 8-9.

C. Inconsistent Rate Centers

RCN also supports the Department's request for authority to implement inconsistent rate centers ("IRCs").⁸ As in the case of rationing and area code relief, the state commissions are in the best position to evaluate whether a CLEC should be permitted to establish a rate center that is different from Bell Atlantic's. Indeed, the number optimization Report filed with the Commission by the North American Numbering Council ("NANC") on October 21, 1998, indicates that state commissions should be permitted to approve IRCs.⁹ Although there are technical concerns with respect to routing and rating that need to be addressed within switching technology and Operations Support System, the Department is in the best position to oversee the resolution of these concerns in Massachusetts.

II. The Commission Should Refrain from Granting the Department Authority to Utilize Untested Methods of Number Conservation Until Such Methods are Fully Developed at the Federal Level

The Department requests authority to implement several numbering conservation methods that are currently under consideration by the Commission: thousands-block number pooling, and unassigned number porting. Although RCN generally supports the use of these methods, it is important that such conservation methods are adopted uniformly throughout the country. Accordingly, RCN urges the Commission to establish national rules instead of granting various state petitions piecemeal.

⁸ See Department Petition, at 11.

⁹ Number Resource Optimization Working Group, *Modified Report to the North American Numbering Council on Number Optimization Methods* (Oct. 20, 1998) ("NANC Report"), at 31.

A. Thousands Block Number Pooling

The Department requests Commission authority to implement mandatory thousands block number pooling. Although Massachusetts carriers, by industry agreement, are voluntarily following pooling procedures, the Department notes that there is no certainty that all carriers are following the procedures.¹⁰ RCN agrees with the Department that thousands block number pooling can be a useful method in increasing the efficiency of number resource utilization. Indeed, RCN supported the North American Numbering Council ("NANC") Report's conclusion that the more efficient distribution of numbers through number pooling could lead to less frequent NPA exhaust situations.¹¹

However, RCN urges the Commission to establish the regulations anticipated by the NANC Report prior to permitting the Department to adopt mandatory pooling. For example, the conclusions set forth in the NANC Report, including the establishment of a 10% block contamination threshold or the block assignment guidelines, are still being considered by the Commission. Moreover, the Department does not explain in its Petition how carriers will recover the costs associated with pooling participation. This issue is also before the Commission in the context of the NANC Report.¹² Accordingly, it is important for the Commission to establish these guidelines in determining how exactly number pooling will be implemented and how the costs for pooling will be allocated. RCN suggests that instead of granting the Department's request to

¹⁰ Department Petition, at 9.

¹¹ See Comments of RCN Telecom Services, Inc. in NSD File No. L-98-134 (submitted December 21, 1998) ("RCN Comments").

¹² NANC Report, at 104-105.

implement mandatory pooling, the Commission should focus its resources toward establishing competitively neutral guidelines for number pooling that can be implemented throughout the country.

B. Unassigned Number Porting

The Department also requests authority to implement unassigned number porting ("UNP") as an additional tool to conserve numbering resources.¹³ Like thousands block number pooling, RCN supported the implementation of UNP in its comments regarding the NANC Report.¹⁴ RCN believes that UNP should be implemented, not only in jeopardy situations, but also when a carrier with sufficient numbers, lacks the number or numbers appropriate for a specific customer. Having UNP available is essential for new entrants to be able to meet specific customer needs.

However, as with number pooling, the guidelines surrounding the implementation of UNP are still being considered by the Commission. Accordingly, RCN urges the Commission to deny the Department's request until such time that the Commission releases uniform national standards for the implementation of UNP. As the NANC Report stated, "[t]he provisioning methodologies, administrative procedures and interfaces used to support UNP shall be uniform nationwide."¹⁵

¹³ Department Petition, at 11-12.

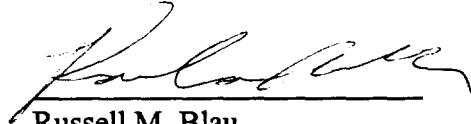
¹⁴ RCN Comments, at 5-6.

¹⁵ NANC Report, at 122.

III. CONCLUSION

RCN commends the Department for recognizing the problems of NXX shortages and taking the initiative to attempt to resolve those problems. Indeed, RCN supports many of the Department's proposals. RCN believes that the Department should receive narrowly tailored authority to reclaim certain unused and reserved codes. In addition, RCN supports the Department's request for expanded authority over code rationing procedures and to implement IRCs. Nevertheless, RCN cautions the Commission against granting the Department the authority to implement measures that need to be further addressed on a national level. Conservation methods such as number pooling and UNP still need to be further developed by the Commission before being implemented by state commissions.

Respectfully submitted,



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Dated: April 5, 1999

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments of RCN Telecom Services, Inc. were served by Federal Express overnight delivery and by hand delivery on the following parties on this, the 5th day of April, 1999.

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